

**REPORT OF THE PROCEEDINGS
OF THE JUDICIAL CONFERENCE
OF THE UNITED STATES**

September 23, 2003

The Judicial Conference of the United States convened in Washington, D.C., on September 23, 2003, pursuant to the call of the Chief Justice of the United States issued under 28 U.S.C. § 331. The Chief Justice presided, and the following members of the Conference were present:

First Circuit:

Chief Judge Michael Boudin
Judge D. Brock Hornby,
District of Maine

Second Circuit:

Chief Judge John M. Walker, Jr.
Chief Judge Frederick J. Scullin, Jr.,
Northern District of New York

Third Circuit:

Chief Judge Anthony J. Scirica
Chief Judge Sue L. Robinson,
District of Delaware

Fourth Circuit:

Chief Judge William W. Wilkins
Judge David C. Norton,
District of South Carolina

Fifth Circuit:

Chief Judge Carolyn Dineen King
Judge Martin L. C. Feldman,
Eastern District of Louisiana

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Sixth Circuit:

Chief Judge Boyce F. Martin, Jr.
Chief Judge Lawrence P. Zatkoff,
Eastern District of Michigan

Seventh Circuit:

Chief Judge Joel M. Flaum
Judge Marvin E. Aspen,
Northern District of Illinois

Eighth Circuit:

Chief Judge James B. Loken
Chief Judge James M. Rosenbaum,
District of Minnesota

Ninth Circuit:

Chief Judge Mary M. Schroeder
Chief Judge David Alan Ezra,
District of Hawaii

Tenth Circuit:

Chief Judge Deanell R. Tacha
Chief Judge Frank Howell Seay,
Eastern District of Oklahoma

Eleventh Circuit:

Chief Judge J. L. Edmondson
Judge J. Owen Forrester
Northern District of Georgia

District of Columbia Circuit:

Chief Judge Douglas H. Ginsburg
Chief Judge Thomas F. Hogan,
District of Columbia

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Federal Circuit:

Chief Judge Haldane Robert Mayer

Court of International Trade:

Chief Judge Gregory W. Carman

The following Judicial Conference committee chairs or their designees attended the Conference session: Circuit Judges Edward E. Carnes, Dennis G. Jacobs, Marjorie O. Rendell, and Jane R. Roth and District Judges Lourdes G. Baird, John G. Heyburn II, Sim Lake, David F. Levi, John W. Lungstrum, Catherine D. Perry, Lee H. Rosenthal, Patti B. Saris, Harvey E. Schlesinger, and Frederick P. Stamp, Jr. Karen Greve Milton of the Second Circuit represented the circuit executives.

Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts, attended the session of the Conference, as did Clarence A. Lee, Jr., Associate Director for Management and Operations; William R. Burchill, Jr., Associate Director and General Counsel; Karen K. Siegel, Assistant Director, Judicial Conference Executive Secretariat; Michael W. Blommer, Assistant Director, Legislative Affairs; David Sellers, Assistant Director, Public Affairs; and Wendy Jennis, Deputy Assistant Director, Judicial Conference Executive Secretariat. Judge Barbara Rothstein and Russell Wheeler, Director and Deputy Director of the Federal Judicial Center, also attended the session of the Conference, as did Sally Rider, Administrative Assistant to the Chief Justice; Scott Harris, Supreme Court Legal Counsel; and the 2003-2004 Judicial Fellows.

Senators Patrick J. Leahy and Jeff Sessions and Representative John Conyers, Jr. spoke on matters pending in Congress of interest to the Conference. Attorney General John Ashcroft addressed the Conference on matters of mutual interest to the judiciary and the Department of Justice.

REPORTS

Mr. Mecham reported to the Conference on the judicial business of the courts and on matters relating to the Administrative Office (AO). Judge Rothstein spoke to the Conference about Federal Judicial Center programs, and Judge Diana E. Murphy, Chair of the United States Sentencing Commission, reported on Sentencing Commission activities.

Judicial Conference of the United States

EXECUTIVE COMMITTEE

RESOLUTIONS

The Judicial Conference approved a recommendation of the Executive Committee to adopt the following resolution in recognition of the substantial contributions made by Judicial Conference committee chairs who will complete their terms of service in 2003:

The Judicial Conference of the United States recognizes with appreciation, respect and admiration the following judicial officers:

HONORABLE LOURDES G. BAIRD
Committee on the Administrative Office

HONORABLE MICHAEL J. MELLO
Committee on the Administration of the Bankruptcy System

HONORABLE WILLIAM W. WILKINS
Committee on Criminal Law

HONORABLE JAMES C. CACHERIS
Committee on Intercircuit Assignments

HONORABLE PAUL A. MAGNUSON
Committee on International Judicial Relations

HONORABLE HARVEY E. SCHLESINGER
Committee on the Administration of the Magistrate Judges System

HONORABLE ANTHONY J. SCIRICA
Committee on Rules of Practice and Procedure

HONORABLE DAVID F. LEVI
Advisory Committee on Civil Rules

Appointed as committee chairs by Chief Justice William H. Rehnquist, these outstanding jurists have played a vital role in the administration of the federal court system. These judges served with distinction as leaders of their Judicial Conference committees while, at the same time, continuing to perform their duties as judges in their own courts. They have

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COMMITTEE ON CRIMINAL LAW

PRETRIAL SERVICES SUPERVISION MONOGRAPH

On recommendation of the Committee on Criminal Law, the Judicial Conference approved revisions to a monograph entitled *United States Pretrial Services Supervision*, Publication 111, for publication and distribution to the courts. To be consistent with other Conference-approved guidance for officers, the document was renamed *The Supervision of Federal Defendants*, Monograph 111. The revisions incorporate “best practice” findings from research and other sources, and because those findings relate to the effectiveness of supervision in general, many of the revisions are similar to recently approved revisions to *The Supervision of Federal Offenders*, Monograph 109 (JCUS-MAR 03, pp. 11-12).

JUDGMENTS IN A CRIMINAL CASE

On recommendation of the Committee, the Judicial Conference approved revised forms of judgments in criminal cases (AO 245B-245I) for publication and distribution to the courts. The revisions include certain technical and other changes required by new legislation. The Statement of Reasons was also amended to ensure that court-ordered findings that differ from information in presentence investigation reports are transmitted to Bureau of Prisons staff for use in classification and designation decisions and to facilitate better documentation of sentencing and departure actions taken by courts to help the Sentencing Commission perfect its data collection and reporting efforts. In addition, a new payment option has been added to the Schedule of Payments that defers the setting of a payment schedule until after an offender’s release from imprisonment to provide the court an opportunity to evaluate the offender’s earning capability at the time of release. Also on recommendation of the Committee, the Conference designated the Statement of Reasons as the mechanism by which courts comply with the requirements of the PROTECT Act to report reasons for sentences to the United States Sentencing Commission.

THE PROTECT ACT

As noted earlier, the PROTECT Act was signed into law on April 30, 2003. This Act expands to national coverage a rapid-response system to help